

REMARKS/ARGUMENTS

The Examiner is requiring restriction to one of the following groups:

Group I: Claims 1-12, drawn to a method for evolving an X protein.

Group II: Claims 13-32 and 40, drawn to a DTP protein, nucleic acid, vector and host cell.

Group III: Claims 33-39, drawn to a method for transferring a ddr.

Applicants provisionally elect Group II, Claims 13-32 and 40, drawn to a DTP protein, nucleic acid, vector and host cell, with traverse on the grounds that no adequate reasons and/or examples have been provided to support a conclusion of patentable distinctiveness between the identified groups. Also, it has not been shown that a burden exists in searching the claims of the three groups.

Moreover, the MPEP at § 803 states as follows:

“If the search and examination of the entire application can be made without a serious burden, the Examiner must examine it on its merits, even though it includes claims to distinct independent inventions.”

Applicants respectfully submit that a search of all of the claims would not impose a serious burden on the Office.

Finally, Applicants respectfully submit that, should the claims of Group II be found allowable, the Office should expand its search to the claims of Groups I and II.

Accordingly, and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement.

Withdrawal of the Restriction Requirement is respectfully requested.

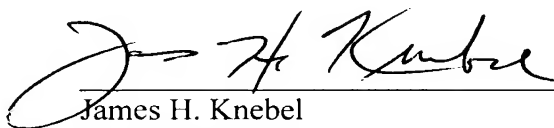
Applicants respectfully submit that the above-identified application is now in
condition for examination on the merits, and early notice of such action is earnestly solicited.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "James H. Knebel", is written over a horizontal line.

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